

1. The Revised Ordinances of the City of Newton, Massachusetts 2007 are hereby amended by inserting the following Section 20-14:

Restrictions on Use of Leaf Blowers Within City Limits.

Whereas, in order to control unnecessary, excessive, and annoying noise, fumes, dust and debris and to protect the environment and the health and well-being of residents of the City of Newton, it is hereby declared to be the policy of the City to regulate such noise, fumes, dust, and other debris generated by the use of leaf blowers within the City Limits.

- (a) **Definitions.** A “leaf blower” is a motorized device powered by fuel and/or electricity used in any landscape, maintenance, construction, property repair, or property maintenance activity for the purpose of blowing, dispersing, vacuuming or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees or shrubs, or other debris.
- (b) **Use of Leaf Blowers Restricted.** It shall be unlawful for any person to operate any leaf blower within the City limits during the period from May 1 through and including September 30.
- (c) **Temporary Moratorium on Restrictions During Times of Emergency.** During times of emergency caused by a storm or other special circumstances, the Mayor may declare a temporary moratorium on the operation of the foregoing restriction to permit the use of leaf blowers within the City limits for purposes of cleaning up from such storm or other special circumstances.
- (d) **Operation of Leaf Blowers Without Original Equipment Supplied by Manufacturer Prohibited.** No person shall operate any leaf blower without attachment of all mufflers and full extension tubes supplied by the manufacturer for that leaf blower.
- (e) **Use of Leaf Blowers Subject to Noise Control Ordinance.** The use of leaf blowers not otherwise prohibited by the provisions of this ordinance is subject to the provisions of the Noise Control Ordinance, in Section 20-13 of these Revised Ordinances.
- (f) **Use of Leaf Blowers In Close Proximity to Operable Windows, Doors, or Mechanical Air Intake Openings or Ducts Prohibited.** Leaf blowers shall not be operated in close proximity to any operable window, door, or mechanical air intake opening or duct of any building so as to deposit debris within such windows, doors, openings or ducts unless with the permission of the occupants of the building.
- (g) **Blowing or Depositing Debris onto Neighboring Properties and Public Right-of-Way Prohibited.** Any person operating a leaf blower shall not cause dust, dirt, leaves, grass clippings, cuttings and trimmings from trees or shrubs, or other debris to be blown or deposited on any adjacent or neighboring properties without permission of the owners of such properties, or onto any part of

the public right-of-way, including but not limited to sidewalks, streets or storm drains, without permission from the Commissioner of Public Works. Notwithstanding the foregoing provision, a person shall not be in violation of this section for depositing leaves, grass clippings, cuttings and trimmings from trees or shrubs, or other debris on part of a public right-of-way if that person removes the debris immediately thereafter and disposes of the debris in a sanitary manner which will prevent dispersal by wind, vandalism, or similar means. This section does not prohibit any person from placing leaf and yard wastes for collection pursuant to and in compliance with the provisions of Section 11-8 of these Revised Ordinances and the rules and regulations promulgated thereunder.

- (h) **Policies to Ensure Compliance with Foregoing Restrictions by City Departments Responsible for Maintaining City-Owned Property.** Any and all City departments responsible for maintaining City-owned property shall develop, implement and enforce policies to ensure compliance by City employees and contractors with the foregoing restrictions, and any applicable state or federal laws or regulations concerning occupational safety and health standards relating to the operation of leaf blowers, including, but not limited to the provision and use of appropriate protective gear.
- (i) **Violations.** Each instance in which a person operates a leaf blower within the City limits in violation of the foregoing provisions of this ordinance shall constitute a separate violation of the ordinance. If the person who violates the foregoing provisions of this ordinance is an employee acting under the supervision and control of an employer, and such violation is committed with the knowledge and consent of such employer, the employer shall be deemed to have committed such violation and the employee shall not be liable therefor.
- (j) **Notice.** Notice of the provisions of this ordinance restricting the use of leaf blowers, and penalties for violations of such provisions, in a form to be provided by the City, shall be posted and conspicuously displayed in all stores selling leaf blowers within the City limits and provided to any person who commits his or her first offense in violation of this ordinance.

2. The Revised Ordinances of Newton 2007, as amended, are hereby further amended by adding the following additional paragraph to subsection (d) of Section 20-21, Enforcing persons and revised ordinances subject to civil fine:

Section 20-14 Restrictions on Use of Leaf Blowers Within City Limits

- () First offense: warning
- () Second offense: \$75.00
- () Third offense: \$150.00
- () Fourth and subsequent offenses: \$300.00